

Office

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JANET GARCIA and CHRISTOPHER HERB ,
individually and on behalf of all others similarly situated

Plaintiffs,

- against-

SUK CHAN LEE a/k/a BRUCE LEE and KWANGOK SUNG
a/k/a KAY LEE, d/b/a ONE GREENE JAPANESE
RESTAURANT & LOUNGE, 17 GREEN FARM a/k/a 17
GREENE FARM, FRESH GARDEN, SILVER SPOON and
MIRAI WELLNESS & SPA

Defendants.
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Index No. 10-CV-1618
(Gleeson, J.)

REPLY DECLARATION OF
PLAINTIFF JANET
GARCIA

JANET GARCIA hereby declares, pursuant to 28 U.S.C. § 1746, under the penalty of perjury under the Laws of the United States of America:

1. I am a named plaintiff in the above action and am fully familiar with the facts and circumstances set forth below.
2. I submit this declaration in reply to the declaration of Kwangok Sung and in further support of plaintiffs' application for a temporary restraining order and preliminary injunction.

REDUCTION OF HOURS AT 17 GREENE FARM

3. Kwangok Sung reduced my hours at 17 Greene Farm from 32 hours to 20 hours. At the

time there were 2 other cashiers. My Monday and Tuesday shifts, from 7 a.m. to 1 p.m., were given to one of the other cashiers, who was in training to work at a new store that defendants are going to open. The hours were not reduced, as Kwangok Sung says, based on the years worked in the business. I have worked for defendants longer than the other 2 cashiers. Kwangok Sung told me that she was reducing my hours because I had filed the complaint and because I had cost her a lot of money for lawyers' fees.

REDUCTION OF HOURS AT THE RESTAURANT

4. Before the reduction of hours, I was answering the phone and processing take out orders at the Restaurant. Contrary to what Kwangok Sung says, she never told me this job was temporary.
5. I was very busy doing this job up until the reduction of hours and the take out business was very busy.
6. My Friday and Saturday shifts, from 7 p.m. to 11 p.m. were taken away because I filed this lawsuit and because I had cost defendants' money for attorney's fees. Kwangok Sung says that the business is not doing well. I believe that the business is doing well, and defendants are planning to open a new store.
7. After the reduction in hours at the Restaurant, Kwangok Sung did not, as she claims, offer me a job as a waitress, or any other job.

CHRISTOPHER HERB

8. The same day that Christopher Herb was fired, Kwangok Sung closed the entire restaurant for one day and sent all the employees home. She said she was going to close the Restaurant because of Christopher Herb's complaints about wages. She said she had been aware of Christopher Herb's complaints for some time. The workers were afraid for

their jobs, and have gotten the message that they should not complain. She then re-opened the restaurant, and called all the workers back, except Christopher Herb.

9. I did not tell Kwangok Sung that I thought Christopher Herb was a bad worker.
Specifically, Kwangok Sung's statement that "Janet Garcia approached me saying that she did not want to work with Christopher because of his poor work ethic" is not true.
10. Kwangok Sung has pressured workers to accept less than legal pay, and almost closed the Restaurant on the day Christopher Herb gave her the Department of Labor complaint.
The worker statements are in her language. Some of the workers who signed these statement hardly speak English and are afraid of retaliation.

Dated: May²¹, 2010


JANET GARCIA